

FILED

JAN 22 1999

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF A DISCIPLINARY
ACTION AGAINST OF THE LICENSE OF

STEVEN PLINIO, D.C.
License No. MC 4279

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL DECISION AND ORDER

This matter was opened to the New Jersey Board of Chiropractic Examiners (hereinafter the "Board") upon submission of an Interim Consent Order by John J. Farmer, Jr. Attorney General of New Jersey, represented by Kay Ehrenkrantz, Deputy Attorney General, against Respondent Steven Plinio (hereinafter "Respondent"), represented by Joseph Benedict, Esquire, upon notice by the Division of Criminal Justice regarding the entry of a guilty plea by Steven Plinio, D.C. The record included a sworn statement given by Dr. Plinio on August 18, 1998 to the Division of Criminal Justice which outlined his participation in a scheme with A & B Invalid Coach, Inc., ("A & B") wherein he submitted to Medicaid double billing for chiropractic services and transport services of patients that he treated. Subsequently, Dr. Plinio was convinced by A & B to permit a massage therapist to use one of his treatment rooms to provide massage treatment to the patients brought by the transport service. These patients received massage therapy without spinal adjustments. Dr. Plinio testified that he billed for chiropractic adjustments never provided. The record demonstrated that Dr. Plinio cooperated fully with the state officials who conducted the

criminal investigation. Dr. Plinio provided a sworn statement and documents to the Attorney General, Division of Criminal Justice. Additionally, Dr. Plinio has agreed to testify against the transport service at any future criminal proceeding.

On or about June 18, 1999, Dr. Plinio entered into a Consent Order wherein he agreed to be excluded from all Medical Assistance Program participation for a minimum of five (5) years. Concurrently, Dr. Plinio entered a guilty plea on August 23, 1999, by the Honorable Phillip Lewis Paley, J.S.C. The Judgment of Conviction attached to the Interim Consent Order showed that Dr. Plinio was sentenced to a four year period of probation, community service of two hundred hours, a fine of \$500, other penalties and fees totaling \$105, plus \$10 per month that he serves his probation term. Dr. Plinio and the Attorney General being desirous of resolving this matter without resort to filing a formal administrative action requested that the Board accept the Interim Consent Order at its December 9, 1999 meeting.

The Interim consent order which is attached hereto as Exhibit A set forth various factual admissions and a conclusions of law that the respondent was violative of N.J.S.A. 45:1-21(b), (e), (f) and (h) respectively. The Interim Consent Order further included factual statements by the respondent in mitigation of any penalty to be imposed by the Board as found on page 4, paragraph two (2) (a - d). Additionally, respondent agreed to be bound by the decision of the Board regarding sanctions.

The Interim consent order provided that subsequent to its acceptance the Board would deliberate on the imposition of penalty and issue a written final order making findings of fact and conclusions of law consistent with those recited in the Interim Consent Order

At its meeting on December 9, 1999, the Board considered the Interim Consent Order with its attachments and voted to accept the findings of fact and the conclusions of law as set forth in the order. Following the filing of the Interim Consent Order on December 9, 1999, the Board

deliberated on the sanctions to be imposed upon the respondent and took into consideration the respondent's explanation in mitigation of penalties. For the reasons expressed in the Interim Consent Order the respondent requested that the Board impose a suspension and not a revocation of his license. The Attorney General urged the Board to impose a sanction of license revocation based on the facts therein.

Upon deliberation of the facts in this matter, the Board considered that the respondent's actions were conducted in the course of his practice of chiropractic and adversely affected his license to practice chiropractic in this State. In making its determination, the Board also considered the fact that notwithstanding his termination from participation and/or billing with Medicaid, Dr. Plinio continued to provide chiropractic adjustments to Medicaid patients at no cost to them or the federal government. He expressed remorse for his actions. Although, respondent contends that his actions were not based upon greed but financial hardship, the Board finds that the commission of a fraud upon the health care system is harmful to all members of society. Accordingly, the Board finds that Respondent failed to conform with statutory and/or regulatory obligations as set forth in the Interim Consent Order which was accepted by the Board and filed on December 9, 1999. Thus it concludes that the violations of N.J.S.A. 45:1-21(b), (e), (f) and (h) occurred.

Based on the foregoing:

IT IS on this 22 day of January, 2000,

ORDERED that:

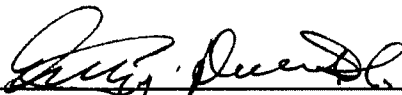
1. Respondent's license is revoked. Respondent may apply for reinstatement of his license upon the successful completion of all of the terms of the sentence issued by the Superior Court of New Jersey, Law Division -Criminal as set forth in the August 23, 1999 Certified Judgment of Conviction attached to the Interim Consent Order which is made a part of this Order

in Exhibit B. The burden of proving complete satisfaction of all of the terms of sentencing including but not limited to probation is upon the respondent. The Board may impose restrictions upon licensure in the event that respondent does not satisfactorily met all of the terms of the sentencing.

1. Documentation demonstrating satisfaction of all of the provisions imposed by the sentencing obligation shall be provided to the Board at the time that respondent submits his application for reinstatement of licensure.

2. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE
BOARD OF CHIROPRACTIC EXAMINERS

BY: 
Anthony DeMarco, D.C.
President

FILED

DEC 09 1999

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

By: Kay Ehrenkrantz
Deputy Attorney General
Tel: (973) 648-2972

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION)	
OR REVOCATION OF THE LICENSE OF)	Administrative Action
)	
STEVEN PLINIO, D.C.) INTERIM CONSENT ORDER
)	
TO PRACTICE CHIROPRACTIC)
STATE OF NEW JERSEY)
)	

This matter was opened to the New Jersey State Board of Chiropractic Examiners ("Board") upon notice by the Division of Criminal Justice concerning the entering of a guilty plea by Steven Plinio, D.C. The Board reviewed the record of the investigation in this matter including a Sworn Statement given by Dr. Plinio on August 18, 1998 during an investigative inquiry. Counsel to Dr. Plinio, Joseph J. Benedict, Esq. also attended the investigative inquiry. It appears that on or about October, 1995, Dr. Plinio agreed to apply for participation in and thereafter participated in Medicaid in exchange for a promise made by an individual, Vadim Bogulavsky, that his invalid transport company, A & B Invalid Coach, Inc. (hereafter "A & B"), would provide a large volume of patients who would seek chiropractic treatment from Dr. Plinio. Dr.

Plinio stated under oath that he subsequently had agreed to and did treat individuals allegedly requiring transport services and double billed for that treatment.

A & B physically transported approximately fifty (50) patients to Dr. Plinio's practice during a six month period of time, from approximately October 1995 through April 1996. Ninety-five percent of the patients brought by A & B did not require A & B transport services because they were physically capable of using a cab service. Dr. Plinio and A & B coordinated billing dates, ensuring that consistent paperwork would be presented to Medicaid.

Dr. Plinio benefitted by double reimbursement from Medicaid for treatment rendered. On arrival at the office, the patients brought by A & B would sign in twice, enabling Dr. Plinio to bill twice for their treatment. If the A & B patients were scheduled to be treated on Monday, they would sign in as if they had sought treatment from Dr. Plinio on Tuesday, as well. Dr. Plinio would bill for all visits for which the patients had "signed in."

Subsequently, the A & B owners convinced Dr. Plinio to permit a massage therapist to use one of his treatment rooms to provide massage treatment to the patients brought by A & B, because some of the patients did not want to receive spinal adjustments. Dr. Plinio billed for chiropractic adjustments never provided.

Dr. Plinio voluntarily discontinued his participation in the above-described actions after four to five months. Prior thereto, Dr. Plinio tried to discontinue the arrangement, but was induced

to continue by an extra payment made by A & B of \$1000. Dr. Plinio profited by approximately \$12,000 from his involvement with A & B.

Finally, although Dr. Plinio had discontinued his participation with A & B, he thereafter on one occasion submitted bills for reimbursement by Medicaid for A & B patients whom he had not treated. For that subsequent billing, he received reimbursement from Medicaid of approximately \$3000.

When questioned by State investigators about these activities, Dr. Plinio cooperated. Dr. Plinio provided a sworn statement and documents to the Attorney General, Division of Criminal Justice as part of his full cooperation. Additionally, he agreed to testify at any criminal proceedings brought against A & B.

Concurrent to his guilty plea, on or about June 18, 1999, Dr. Plinio signed a Consent Order in which he agreed to be excluded from all Medical Assistance Program participation for a minimum period of five (5) years. Dr. Plinio also signed a Consent Judgment requiring him to pay full restitution to Medicaid in the amount of \$15,000. [See Exhibit A - Plea Agreement.]

Based on his guilty plea, Dr. Plinio was sentenced on August 23, 1999, by the Honorable Phillip Lewis Paley, J.S.C.. [See Exhibit B - Judgment of Conviction.] Dr. Plinio was sentenced to a four year period of probation, community service of two hundred hours, a fine of \$500, other penalties and fees totaling \$105, plus \$10.00 per month that he serves his probation term.

Based on the above factual admissions, the Board finds that the described conduct is violative of N.J.S.A. 45:1-21(b), (e), (f) and (h) respectively.

Dr. Plinio and the Attorney General being desirous of resolving this matter without resort to the filing of a formal administrative complaint, and the Board having determined that good cause exists for the entry of this within Interim Consent Order, pending the entry of a final order,

IT IS ON THIS DAY OF , 1999,

HEREBY ORDERED AND AGREED THAT:

1. Steven Plinio, D.C., acknowledges and confirms the accuracy of the above-recited statement of facts as well as the testimony he provided to the Division of Criminal Justice and the Court. [See Exhibit C - Sworn Statement, dated August 18, 1998.] Dr. Plinio further consents to the entry of a Final Order by the Board containing the above-recited findings of facts and conclusions of law.

2. Respondent Steven Plinio presents the following factual statements in mitigation of his penalty and hereby agrees to be bound by any decision ordered by the Board:

a. When Dr. Plinio initially agreed to participate with A & B, he was not advised of nor aware of any prior wrongdoings on the part of A & B, or that he would thereafter be requested to participate in any wrongdoing.

b. Following his independent submission of fraudulent Medicaid bills, Dr. Plinio voluntarily terminated any and all participation

and/or billings with Medicaid as a result of the moral guilt he was feeling. From then and continuing to this date, Dr. Plinio never again submitted a bill to Medicaid, although he was eligible to do so through June 1999.

Dr. Plinio has expressed remorse for his actions, and in fact, has since treated Medicaid patients at no cost subsequent to this arrangement as a means of moral restitution. Dr. Plinio contends that his actions were not based on greed, but rather extreme financial hardship which eventually led to his declaration of bankruptcy.

c. Prior to and subsequent to these activities which occurred years ago, Dr. Plinio has never engaged in any illegal activities. Dr. Plinio asserts that these activities represented a short lapse in judgement and that his voluntary termination, subsequent cooperation with the state and full restitution to the Medicaid program should be viewed as mitigating circumstances when arriving at a decision.

d. Desirous to see this matter concluded, Dr. Plinio has voluntarily agreed to consent to any final decision of the Board. He requests that his license be suspended rather than revoked and he is willing to accept any reasonable and appropriate conditions to reinstatement of his license.

3. Based on the foregoing facts, the Attorney General, Division of Law, urges that the Board impose a sanction of license revocation.

12/01/99 WED 13:32 FAX 1 732 214 1897
12/01/99 WED 13:08 FAX 1 732 214 1897

BENEDICT & ALTMAN
PHONE NO. : 7327210869
BENEDICT & ALTMAN

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Dec. 01 1999 01:32AM P6

FROM: DIV OF LAW

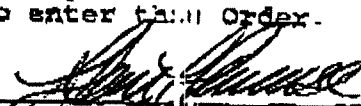
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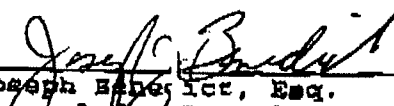
4. Subsequent to the submission of this Interim Consent Order, the Board will deliberate on the imposition of a penalty and issue a Final Order making findings of fact and conclusions of law consistent with those recited herein and impose penalties as determined by the Board.



President
State Board of Chiropractic Examiners

I hereby certify that the facts contained in paragraphs 1a through 2d are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment. I have read and understand the within Interim Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Steven Plinio, D.C.

Consent as to the form of the Order is hereby given.


Joseph Benedict, Esq.
Counsel for Dr. Plinio

99001132-001		State of New Jersey v. PLINIO, STEVEN		 New Jersey Superior Court Law Division - Criminal	
Defendant: (Specify Complete Name)				<input checked="" type="checkbox"/> JUDGEMENT OF CONVICTION <input type="checkbox"/> CHANGE OF JUDGEMENT <input type="checkbox"/> ORDER FOR COMMITMENT <input type="checkbox"/> INDICTMENT / ACCUSATION DISMISSED <input type="checkbox"/> JUDGEMENT OF ACQUITTAL <input type="checkbox"/> MOTION HEARING	
DATE OF BIRTH	05/20/1966	SBI NUMBER	475351C		
DATE OF ARREST		DATE INDICTMENT/ ACCUSATION FILED	06/18/1999		
DATE OF ORIGINAL PLEA	06/18/1999	ORIGINAL PLEA	<input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY		
ADJUDICATION BY	<input checked="" type="checkbox"/> GUILTY PLEA <input type="checkbox"/> JURY TRIAL	DATE:	06/18/1999	NON-JURY TRIAL	DATE:
				Dismissed/Acquitted	DATE:
ORIGINAL CHARGES					
IND. ACC NO.	COUNT	DESCRIPTION	DEGREE	STATUTE	
99-06-0148	1	Medicaid Fraud	3rd	NJSA 30:4D-17(a)	
FINAL CHARGES					

AS CITED ABOVE

I, Gregory J. Edwards, Deputy Clerk of the Superior Court of New Jersey
 Municipal and County Court of Record, do hereby certify that the foregoing
 is a true copy of the document now on file in my office.

Deputy Clerk

You are hereby sentenced to community supervision for life.
The court finds that your conduct was characterized by a pattern of repetitive and compulsive behavior.
It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Defendant is to receive credit for time spent in custody (R. 3:210-8).

Total Number
of Days

DATE (From/To)

DATE (From/To)

DATE (From/To)

Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).

Total Number
of Days

DATE (From/To)

TOTAL CUSTODIAL TERM

TOTAL PROBATION TERM 4 years